

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAUVIN FRANKLIN BROWN,
Defendant.

No. CR-11-6058-FVS

ORDER GRANTING
DEFENDANT'S MOTION TO
STRIKE THE GOVERNMENT'S
MOTION TO QUASH SUBPOENA

THIS MATTER came before the Court on the Government's motion to quash subpoena (ECF No. 49) and Defendant's motion to strike the Government's motion to quash (ECF No. 53). Defendant is represented by Diane E. Hehir. Assistant United States Attorney Alexander C. Ekstrom represents the Government.

BACKGROUND

On February 3, 2012, the Court, by ex parte order, authorized Defendant to issue a subpoena, pursuant to Fed.R.Crim.P. 17(c), for city legal records including "all reports and documentation of any Richland PD investigations, hearing and/or findings involving Off. Jeff Muai and Off. Ed Garcia. Personnel files for Off. Muai and Off. Garcia. Richland Police Department Policies for taking statements with or without recordings of suspects. An electronic copy of police reports with metadata; and officers' notes for case no. 11-15438.

1 Reports of all prior contacts with Dauvin Franklin Brown between Off.
2 Muai and Garcia." (ECF No. 47). The Government indicates it received
3 notice, through Captain Mike Cobb of the Richland Police Department,
4 that a representative of the office of the Richland City Clerk had
5 subsequently received a subpoena from Defendant. (ECF No. 49 at 2).
6 The Government seeks to quash Defendant's subpoena. Defendant
7 requests that the Court strike or deny the Government's motion to
8 quash subpoena.
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10 DISCUSSION

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12 Defendant argues that the Government's motion to quash subpoena
13 should be stricken or denied because the Government lacks standing to
14 quash the subpoena.

15 The City of Richland is represented by its own city attorney, not
16 the Government. While the Court acknowledges that the Government is
17 correct that Defendant's authority for the proposition that the
18 Government lacks standing to bring the motion is a district court case
19 from another circuit, logic dictates that the City of Richland should
20 be required to object on its own accord. The Government is without
21 standing to bring the instant motion to quash.
22

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24 Accordingly, **IT IS HEREBY ORDERED:**

- 25 1. Defendant's motion to strike (**ECF No. 53**) is **GRANTED**.
26 2. The Government's motion to quash (**ECF No. 49**) is **DENIED**.

DATED this 1st day of March, 2012.

ORDER . . . - 3